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SIPDIS

DEPARTMENT PASS TO PENELOPE NAAS, DON WRIGHT, AND LEE
ZACHOS (CABLE CODE 4211/MAC/OEURA)

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SUBJECT: SPAIN ON EU BATTERY DIRECTIVE

REF: SECSTATE 259043

1. ESTHOFF discussed reftel December 15 with Environment Ministry Waste Prevention Deputy Director General Juan Martinez Sanchez, requesting answers to the five specified questions. Martinez Sanchez provided the following responses (keyed to the five questions):

-- Until December 8, 2004, Spain had placed a reservation on Article 4 of the draft EU Battery Directive. The reservation was related to concerns about prohibiting the use of cadmium in batteries used in emergency light and alarm systems. This reservation was lifted on December 8, 2004. In Martinez Sanchez's words, "Spain now morally supports" the prohibition of lead/cadmium/mercury batteries. However, Spain does not feel so strongly about the issue that it would block an EU consensus position in favor of a reinforced collection/recycling (vice prohibition) scheme.

-- Spain does not have national legislation or regulations in place regarding the collection and disposition of used batteries and thus has no national collection system in place. Spain plans to adopt a national collection system "shortly."

-- Regarding eventual collection targets, Spain hopes to adopt a national collection system that, following a ten-year phase in period, would capture at least 60 percent of used batteries.

-- As for the financing of eventual collection, Spain believes that battery producers/importers should assume all costs for the future national collection system. Such financing would be consistent with Spanish Law 10/96 on waste management.

-- The Spanish Environment Ministry has not/not assessed the impact the draft EU Battery Directive would have on domestic appliance and battery producers. Spain has only one manufacturer of portable batteries and this company makes no/no nickel-cadmium batteries.

2. COMMENT: Spanish law permits individual Spanish regions to adopt voluntary battery collection/recycling schemes. Such a scheme is in place in Madrid and several other regions. MANZANARES